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PUBLIC MEETING MINUTES:	BOARD OF ARCHITECTS Subcommittee Meeting with Delaware Technical Community College
MEETING DATE AND TIME:	Wednesday, January 30, 2013 at 9:00 a.m.
PLACE:	861 Silver Lake Blvd., Conference Room B, Second floor, Dover, Delaware
MINUTES APPROVED:	April 3, 2013

MEMBERS PRESENT

Peter H. Jennings, RA, Professional Member
Richard Wertz, RA, Professional Member
David Pedersen, RA, Delaware Technical Community College
Patrick Ryan, RA, Delaware Technical Community College
Doug Hicks, PhD, Delaware Technical Community College

DIVISION STAFF/DEPUTY ATTORNEY GENERAL

Meaghan Jerman, Administrative Specialist II

OTHERS PRESENT

Nancy Payne, Delaware Chapter of AIA

Call to Order

Mr. Jennings called the meeting to order at 9:20 a.m.

Old Business

Review of January 16, 2013 Meeting Minutes

The Subcommittee reviewed the minutes from the January 16, 2013 meeting. Mr. Ryan requested the minutes be amended in three locations to add further clarity. Mr. Jennings made a motion to accept the January 16, 2013 meeting minutes with the amendments. The motion carried unanimously.

New Business

The Subcommittee reviewed the revised Service Learning Project Outline and Project Agreement. Subcommittee members requested further clarification on edits made to the Service

Learning Proposal and Agreement, specifically regarding eligible service organizations. Mr. Wertz inquired about organizations that provide for the erection or maintenance of public buildings, monuments, or works. Mr. Pedersen explained the list was based on what was defined by the Internal Revenue Service as descriptions of 501(c)3 organizations and that type of organization was included for the purposes of work that the students may do on record drawings for the College. Mr. Jennings expressed his concern with the list of eligible organizations and suggested that the criteria be limited to a demonstration of limited resources with recent financial statements, tax returns, and/or similar financial records as requested by the College. Mr. Ryan was in agreement with this suggestion as was Mr. Mateyko. Mr. Mateyko provided his suggestions to the language contained within the project outline and project agreement. Mr. Mateyko suggested that the word client be replaced to say "Service Organization" within the Service Learning Project Agreement. Subcommittee members agreed with this suggestion. Mr. Pedersen will make the correction. Mr. Mateyko and Dr. Hicks recommended some additional vocabulary edits. Mr. Pedersen brought to the subcommittee's attention an inconsistency on the project deliverables. A discrepancy exists on whether electronic drawings will be provided. Mr. Mateyko suggested that the language be revised to state that the service organization will be issued one set of printed materials and that no electronic files shall be issued. Subcommittee members agreed.

Mr. Pedersen addressed the student work section contained within the project outline. He explained that through progression of the project there is likely to be electronic communication with the service organization to review work the students are completing as part of the process. Mr. Pedersen stated that he wanted to be clear that the language regarding this indicates that it is the responsibility of the service organization. Mr. Jennings pointed out that there should be clarification on who will provide the written permission as described in the agreement. Mr. Pedersen inquired if someone later requested copies of the work completed by the students, what the mechanism to obtain copies would be. Mr. Ryan agreed that the documents could later be requested by a licensed architect, firm, etc. Mr. Ryan stated that the language pertaining to use of the materials for grant applications etc. needs to be clear so that an organization cannot take drawings for estimates based on what is provided by Delaware Tech without the further involvement of a licensed architect. Mr. Pedersen stated that to his understanding this is why they decided to strike floor plans from the deliverables. Mr. Pedersen stated that if a licensed architect comes to College on behalf of a selected service organization, materials could be released to the architect. Mr. Mateyko stated he would like to see the agreement remain as it is as he does not feel that it is proper for the Board or the College to be involved with architects or professionals about a particular project that do not have business before them. Mr. Mateyko added that the drawings need to be verified by whatever firm later accesses them as students are preparing the work as part of an educational project. Mr. Mateyko stated that we do not want the architect to rely on items completed by students and emphasized that the College should not have any commercial dealings once the project has concluded. Dr. Hicks suggested that on the agreement form under project deliverables that only paper copies be added to offer further clarification to the client.

Mr. Mateyko suggested that a termination clause be added to the Service Agreement and referenced what he would like to see included regarding termination by the College. Mr. Mateyko added for termination by the College that material violation of the Agreement by the service organization shall be grounds for the College to declare termination of the agreement. The Subcommittee agreed that either party should be able to terminate the agreement at any time.

Mr. Pedersen clarified that the student work ends at the College. He stated that he wants to be explicit that the student work is completely different from that of the deliverables. The student work is the work that is in process and the student work will never be reproduced. The only items that may be reproduced are the deliverables.

Mr. Pedersen inquired about the College's use of the student's drawings. Mr. Jennings stated that the only place he sees an issue with the College referencing the drawings would be if the College were to use the work for such things as construction.

Mr. Jennings made a revision to the timeframe that the project would be reassessed and confirmed that it would be done in two year time frame after adoption.

The Subcommittee discussed next steps moving forward. All present agreed that the next step would be presenting the proposal to the Board and the Board's legal counsel at their next meeting. Mr. Ryan stated that he sees the documents that the Subcommittee are reviewing as the background for the legal counsels to develop the Memorandum of Understanding.

Mr. Ryan explained he reviewed the Statute and that he believes the Delaware Tech project is the practice of architecture per 24 *Del.C.* § 302 (5). Mr. Ryan expressed his concern that the additional Delaware Tech campuses could potentially not have licensed architects overseeing the projects. Mr. Ryan suggested to the Subcommittee members consider agreeing that the Service Learning Project is the practice of architecture and Mr. Pedersen would be the licensed architect responsible for the project. Further, Mr. Ryan suggested that the Terry and Stanton campuses of Delaware Tech could be set up in a manner as is permitted under the regulations of responsible control and Mr. Pedersen would be the licensed architect overseeing those two instructors. The only item requiring additional work, Mr. Ryan explained, would be that Mr. Pedersen would need to be present when there was to be client contact. Mr. Jennings disagreed with this suggestion and referenced multiple reasons why the Subcommittee had determined a licensed architect was not needed including liability concerns and above all that the project was not considered the practice of architecture. Mr. Jennings explained the Subcommittee has worked to create an exemption to the statute for this project and will need to consult with the Board's Legal Counsel as to whether this is something they can move forward with. Mr. Mateyko shared that he is not in favor of Mr. Ryan's suggestion. Mr. Mateyko stated that he does not see the Service Learning Project as the practice of architecture and sees it as an educational opportunity for students. Dr. Hick's added that he feels the Subcommittee has made every effort to avoid possible misuse of the program based on the limited project deliverables. Mr. Ryan expressed concern with the exemption, he cited past incidents with engineers and interior designers who alleged they were equally qualified to practice architecture. Mr. Ryan went on to say legal counsel may find it easier to make it work at the other Delaware Tech campuses if they follow a model.

The Subcommittee further discusses if an exemption would be needed. Mr. Mateyko stated that he does not feel that this project warrants an exemption as the Delaware Tech program does not already exist. Mr. Mateyko stated that the project never rises to the practice of architecture and therefore does not require an exemption from it. Mr. Mateyko added that he does not believe the Board has the authority to create an exemption. The committee discussed rephrasing education exemption to educational programs. Mr. Pedersen clarified that by developing the MOU, there are putting clear parameters on the educational program that is being developed.

The Board members present agreed that if Mr. Pedersen made the additional changes discussed at today's meeting to the Service Proposal and Agreement that the Board would place the items on the agenda for review at their upcoming meeting.

Mr. Ryan shared with those present that he contacted his liability insurance and received a quote and provided Subcommittee members with the information that he gathered. Mr. Ryan inquired if the plan has been established does not work how they will move forward. Mr. Mateyko stated that they will be back to the drawing board.

Next Scheduled Meeting

The next meeting date is to be determined.

Adjournment

With no further business before the subcommittee, the meeting adjourned at 10:20 a.m.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Meaghan Jerman".

Meaghan Jerman
Administrative Specialist II

The notes of this meeting are not intended to be a verbatim record of the topics that were presented or discussed. They are for the use of the Board members and the public in supplementing their personal notes and recall for presentations.